

NOT FOR PUBLICATION

SEP 22 2004

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RASHAD ARNSWORTH,

Defendant - Appellant.

No. 03-30380

D.C. No. CR-03-00005-a-JWS

MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska
John W. Sedwick, District Judge, Presiding

Submitted July 8, 2004**
Anchorage, Alaska

Before: HALL, KLEINFELD, and WARDLAW, Circuit Judges.

We lack jurisdiction to consider Rashad Arnsworth's appeal. The sentence imposed by the district court was within the parameters of the plea agreement, so

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Arnsworth's knowing and voluntary waiver of his statutory right to appeal deprives us of jurisdiction to review the merits of his appeal. United States v. Joyce, 357 F.3d 921, 925 (9th Cir. 2004).

DISMISSED for lack of jurisdiction.